IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.54 (M/S) of 2005

1. Sri Prashant Kumar Arun, S/o Mahendrapal, R/o 11/130, Vasundhara, Ghaziabad, U.P.
2. Sri Mahendrapal, father and guardian of Sri Prashant Kumar Arun, R/o 11/130, Vasundhara, Ghaziabad, U.P.

...Petitioners

Versus

1. Gurukul Kangari Vishwavidyalaya Haridwar through its Vice Chancellor,
2. Registrar, Gurukul Kangari Vishwavidyalaya, Haridwar
3. Principal/Dean, Faculty of Engg. And Technology, Gurukul Kangari Vishwavidyalaya, Haridwar

...Respondents

Sri Chetan Joshi, counsel for the petitioners
Sri Arvind Vashistha, counsel for the respondents.

Dated 6.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus, directing the respondents to allow the petitioner to appear in 5th semesters examination of B.Tech. course and treat him as regular student of third year.

Briefly stated, the petitioner has taken admission in the first session of Ist year B.Tech. (Electrical Engg.) course which is a four year course in the respondent University in the

session 2002-03. Petitioner appeared for the first year (I semester) examination in January 2003. In this examination the petitioner was able to clear only 2 papers out of 6 papers. Thereafter the petitioner no.1 appeared in the II semester examination in October 03 and was able to clear only 1 paper out of 6 papers. Thus petitioner no. 1 was able to clear only three papers out of 12 papers in the first year examination of the course still he was given admission in the II year by the respondents.

According to clause 8 “repeat is permissible when the student fails in one or more but passes 50% papers of a year and secures an aggregate of 50% in a year (repeat is granted only in theory papers.)”. The University promoted petitioner No.1 to the second year (III Semester) of the above noted course, but according to the University rules he should not have been promoted.

At the time of admission of the writ petition, following order was passed :-

“Meanwhile, the respondents shall permit the petitioner to appear in the examination of V Semester of III year B.Tech. Electrical Engineering subject to the condition that his result shall not be declared till the disposal of the writ petition.”

Thereafter on 19.05.2006 following order was passed by this Court :-

"However, provisionally for interim measure, the petitioners are permitted to appear in all the semesters including back papers subject to the final result of the writ petition.

Petitioners have submitted that the result of the back papers may the declared. Liberty is given to the petitioners to file a representation for declaring the result of the back semester and the respondents shall suitably consider the same within a period of three weeks by passing appropriate order.

Petitioner has submitted that the result has not been declared.

In view of the above, the respondents are directed to declare the result of the petitioner in accordance with the rules by 15th of July, 2006 so as to enable the petitioners for the next year for the rest of the semesters or in any way pass appropriate orders according to the rules.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

6.7.2006